

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

UNION PACIFIC RAILROAD
COMPANY, A DELAWARE
CORPORATION,

Petitioner,

- VS -

THE VILLAGE OF MAYWOOD,
ILLINOIS, a Municipal

Corporation in Cook County,

Illinois, THE VILLAGE OF
MELROSE PARK, and the ILLINOIS
DEPARTMENT OF TRANSPORTATION,

Respondents.

PETITION FOR AN ORDER OF THE
ILLINOIS COMMERCE COMMISSION
FOR AUTHORIZATION TO MODIFY
THE EXISTING (1) 1ST AVENUE
HIGHWAY-RAIL GRADE CROSSING OF
THE UNION PACIFIC RAILROAD
COMPANY'S TRACKS (AAR/DOT
#173996K, RAILROAD MILEPOST
10.2), UNDER THE JURISDICTION
OF THE ILLINOIS DEPARTMENT OF
TRANSPORTATION AND LOCATED IN
THE VILLAGE OF MAYWOOD, COOK
COUNTY, ILLINOIS, ON THE
GENEVA SUBDIVISION, et al.

Chicago, Illinois

April 26th, 2016

Met, pursuant to notice, at 10:00 a.m.

BEFORE: MS. LATRICE KIRKLAND-MONTAQUE,
Administrative Law Judge

SULLIVAN REPORTING COMPANY, by
Devan J. Moore, CSR
License No. 084-004589

1 APPEARANCES:

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7 on behalf of the Union Pacific
8 Railroad Company;

9 KLEIN, THORPE & JENKINS, by
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15 on behalf of the Village of Maywood;

16 DEL GALDO LAW GROUP, by
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20 vasselli@dlglawgroup.com
21 (708) 222-7000
22 on behalf of the Village of Melrose
 Park;

 ILLINOIS DEPARTMENT OF TRANSPORTATION, by
 MS. MEGAN McNEILL
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 (312) 793-3487
 on behalf of I-DOT;

 ILLINOIS COMMERCE COMMISSION, by
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 for Staff of ICC Rail Safety
 Division.

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I N D E X

<u>Witness:</u>	<u>Page</u>
RICHARD CONRATH	
Direct Examination by:	
Mr. Shumate	14, 26, 35, 51, 67
Cross-Examination by:	
Ms. McNeill	27
Mr. Vasselli	28
Mr. Vercruysse	44, 47, 61
Mr. Karaca	48, 64, 73
Re-Direct Examination by:	
Mr. Shumate	74
RICHARD CONRATH	
Direct Examination by:	
Mr. Shumate	19, 38, 55, 69
Cross-Examination by:	
Ms. McNeill	27
Mr. Vasselli	33
Mr. Vercruysse	46, 61
Redirect Examination by:	
Mr. Shumate	32, 49, 74

E X H I B I T S

<u>Number</u>	<u>Page</u>
Union Pacific Railroad Exhibit Nos. 1 & 2 (admitted)	75

1 JUDGE KIRKLAND-MONTAQUE: By the power vested
2 in me by the State of Illinois and the Illinois
3 Commerce Commission, I now call Docket No. T15-0161.
4 This is in the matter of the Union Pacific Railroad
5 Company versus the Village of Melrose Park. And I
6 believe the Village of Maywood has been added as a
7 respondent and also the Illinois Department of
8 Transportation. And this is consolidated with
9 T15-0163.

10 Again, the petitioner is the Union
11 Pacific Railroad Company and the respondents are the
12 Village of Maywood, the Village of Melrose Park, and
13 the Illinois Department of Transportation.

14 May I have appearances, please? Let's
15 start with the Union Pacific.

16 MR. SHUMATE: Thank you, your Honor. My name
17 is Mack, M-a-c-k, Shumate, S-h-u-m-a-t-e. I'm an
18 attorney with the Union Pacific Railroad Company.
19 Our offices are at 101 North Wacker Drive, Suite
20 1920, Chicago, Illinois 60606. Phone number,
21 (312) 777-2055. I'll have two witnesses today, your
22 Honor.

1 JUDGE KIRKLAND-MONTAQUE: Okay. Thank you.
2 The Village of Maywood, is there a representative?
3 MR. KARACA: For the Village of Maywood, I am
4 Jacob Karaca, K-a-r-a-c-a, Klein, Thorpe & Jenkins;
5 that's 20 North Wacker Drive, Suite 1660, Chicago,
6 Illinois 60606; number, (312) 984-6400.
7 JUDGE KIRKLAND-MONTAQUE: Thank you. And the
8 Village of Melrose Park?
9 MR. VASSELLI: James Vasselli, V-a-s-s-e-l-l-i,
10 with the DelGado Law Group. I am the Village
11 attorney. We're at 1441 South Harlem Avenue, Berwyn,
12 Illinois 60402, (708) 222-7000. Thank you.
13 JUDGE KIRKLAND-MONTAQUE: Thank you. All
14 right. I-DOT?
15 MS. McNEILL: On behalf of the Illinois
16 Department of Transportation, Megan McNeill, 100 East
17 Randolph, Suite 6-600, Chicago, Illinois 60601,
18 (312) 793-3487.
19 JUDGE KIRKLAND-MONTAQUE: Thank you. And
20 Staff?
21 MR. VERCROYSSSE: Thanks, your Honor. Brian
22 Vercruysse; V, as in Victor, e-r-c-r-u-y-s-s-e,

1 representing the Rail Safety Section of the Illinois
2 Commerce Commission; phone number, (312) 636-7760.
3 Thank you.

4 JUDGE KIRKLAND-MONTAQUE: Thank you.

5 And, Mr. Shumate, you say you have two
6 witnesses that you want to present?

7 MR. SHUMATE: Yes, your Honor. I have Richard
8 Conrath and Sean Collier.

9 JUDGE KIRKLAND-MONTAQUE: All right. Why don't
10 you stand and raise your right hands.

11 (Whereupon, the witnesses were
12 sworn in.)

13 JUDGE KIRKLAND-MONTAQUE: All right. I'll give
14 you the floor, then, Mr. Shumate.

15 MR. SHUMATE: Thank you, your Honor.

16 In discussing this matter with counsel
17 for Melrose Park, they have another hearing today;
18 and so we would like to do this particular hearing in
19 reverse, as it was originally planned. We'd like to
20 start with 19th Avenue, which is north -- Melrose
21 Park is on the north side and Maywood is on the south
22 side of this particular crossing.

1 JUDGE KIRKLAND-MONTAQUE: Okay.

2 MR. SHUMATE: And to summarize this, the Union
3 Pacific Railroad has what's called the east-west main
4 line on the Geneva Subdivision. Most of it has 3
5 sets of tracks on it all the way to the Mississippi
6 River. There are a couple of sections that do not.

7 And, in conjunction with Metra, the
8 Union Pacific and Metra have worked out a plan to
9 complete the triple track of the entire system all
10 the way to the Mississippi River; and there are 2
11 sections that have to be completed. One of them is
12 from 1st Avenue, in Maywood, to 19th Avenue, in
13 Melrose Park and in Maywood. And then the other
14 section, which is the subject of another hearing, is
15 in Geneva, Illinois.

16 And what I'd like to do is present my
17 two witnesses. I'd like to set the foundation and
18 then work it as a tag team because the engineering
19 company, which is Benesch, they're the ones that have
20 done all of the plans that have been submitted to all
21 of the various governmental entities and have
22 participated in the prehearings -- in the

1 pre-meetings, excuse me. And then, also, Sean
2 Collier, who is in charge of the grade crossings for
3 the Metra territory from our Engineering
4 Department -- and he took the photographs of each one
5 of the crossings, so we can show those to you.

6 So we have the plans, existing and
7 future, and then the photographs to take you there to
8 see what it looks like today. And we would like to
9 start with 19th Avenue, if that's fine with you.

10 JUDGE KIRKLAND-MONTAQUE: That's fine. Go
11 ahead.

12 MR. SHUMATE: So first I would like to call
13 Richard Conrath as my first witness.

14 JUDGE KIRKLAND-MONTAQUE: All right. You may.

15 RICHARD CONRATH,
16 called as a witness herein, having been first duly
17 sworn, was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY

20 MR. SHUMATE:

21 Q Would you state your name for the record,
22 please.

1 A Richard, R-i-c-h-a-r-d, Conrath,
2 C-o-n-r-a-t-h.

3 Q Mr. Conrath, by whom are you currently
4 employed?

5 A Alfred Benesch & Company.

6 Q And how long have you worked for them?

7 A About 28 years.

8 Q Are you familiar with the subject matter of
9 today's hearing?

10 A Yes, I am.

11 Q In your own words, what role has Benesch
12 played in this particular project?

13 A We're the prime design consultants for
14 Metra and the Union Pacific on this project.

15 (Whereupon, Union Pacific
16 Exhibit No. 1 was marked for
17 identification.)

18 BY MR. SHUMATE:

19 Q I'm going to show you what's been marked as
20 UP Group Exhibit 1; and I'm going to take you down on
21 this document, I think, to the crossing that's
22 located in both the Villages of Melrose Park and

1 Maywood. It's called 19th Avenue.

2 Are you familiar with this particular

3 crossing?

4 A Yes, I am.

5 Q And did you help prepare the plans which

6 are the subject matter of this exhibit, this UP Group

7 Exhibit 1?

8 A Yes, sir, I did.

9 Q Now, I'm going to show you what's called

10 19th Avenue, DOT No. 17409, and that's Milepost

11 11.38. What does this slide purport to show?

12 A This shows the pavement and the facilities

13 that will be removed as part of the construction.

14 Q So this is what exists at 19th Avenue

15 today?

16 A That is correct.

17 Q And on the north side, what Village is

18 there?

19 A The north side is Melrose Park.

20 Q And on the south side?

21 A Maywood.

22 Q Okay. Now I'm going to show you Slide

1 No. 31 of the Union Pacific Group Exhibit 1. What is
2 that?

3 A That shows the proposed improvements. All
4 of the work that's shown in green is new work that
5 will be completed. The sort of pink shading is
6 roadway, or streets, that will be fully
7 reconstructed. And the yellow is existing streets
8 that will be overlaid to match into the existing
9 streets.

10 Q Okay. I'm going to ask you to approach the
11 slide. And would you show the Judge where the
12 existing tracks are and where the new ones will be.

13 A Yes, sir. The existing tracks are on the
14 north -- well, the two existing tracks are in red,
15 and the proposed tracks will be on the south side,
16 offset 15 feet into the south of the existing tracks.

17 Q Well, to your knowledge, will any of the
18 signal systems that currently exist on the north
19 side -- will any of them have to be adjusted?

20 A No, sir.

21 Q But the signal systems on the south side,
22 they will?

1 A Yes, sir.

2 Q Now I'm going to show you what's called the
3 removal -- excuse me -- the new pavement elevations.
4 What is that?

5 A Yes, sir. This demonstrates the -- again,
6 it shows the limits of reconstruction in the road;
7 they're pink colored. And the yellow are parts of
8 the roadway that will be overlaid.

9 And this just demonstrates the final
10 pavement elevations that will be -- that the pavement
11 will be at when the project is completed.

12 Q Do the elevations comply with the
13 requirements of the Illinois Commerce Commission
14 regulations and the State law?

15 A Yes, they do.

16 Q Now, under the next slide, which is No. 33
17 of the Union Pacific Group Exhibit 1, this one says,
18 "New Traffic and Signage Plan". What is that?

19 A This shows the pavement markings that will
20 be placed on the completed reconstructive pavements
21 when they are completed. It shows stop bars, center
22 lines, and signage -- traffic signage.

1 MR. SHUMATE: Your Honor, these are all of the
2 questions that I have for Mr. Conrath at this time.
3 And I'd like to now switch to Sean Collier and then
4 open up both of them for any cross-examination.

5 JUDGE KIRKLAND-MONTAQUE: Okay.

6 MR. SHUMATE: Okay. I would now like to call
7 Sean Collier.

8 SEAN COLLIER,
9 called as a witness herein, having been first duly
10 sworn, was examined and testified as follows:

11 DIRECT EXAMINATION

12 BY

13 MR. SHUMATE:

14 Q Mr. Collier, you're under oath. Would you
15 please state your name for the record and spell it.

16 A Sean Collier. S-e-a-n. Collier,
17 C-o-l-l-i-e-r.

18 Q Mr. Collier, by whom are you currently
19 employed?

20 A I'm employed by the Union Pacific Railroad.

21 Q In which department?

22 A In the engineering department.

1 Q And are you familiar with the subject
2 matter of today's hearing?

3 A Yes, I am.

4 Q You've taken some photographs of the
5 crossings which are the subject of today's hearing?

6 A Yes, I have.

7 Q And have you had an opportunity to visit
8 the crossings which are the subject of today's
9 hearing?

10 A Yes, I have.

11 Q Now, I'd like to direct your attention to
12 the 19th Avenue crossing. Are you familiar with that
13 one?

14 A Yes, I am.

15 Q Now, let's get some details with regard to
16 that particular crossing. How many trains go through
17 that crossing a day?

18 A We have recorded 90 average daily trains on
19 that crossing.

20 Q And what is the -- what do those trains
21 consist of?

22 A Approximately, 60 percent of those are

1 daily passengers trains. The other 30 would be
2 freight trains.

3 Q When you say, "passenger trains", are they
4 Amtrak? Are they commuter? What are they?

5 A It's with Metra. Commuters.

6 Q Are there any Amtrak trains on this line?

7 A No, there is not.

8 Q What is the speed that the trains travel on
9 this particular crossing?

10 A For our passenger Metra trains, it's 70
11 miles per hour max.

12 Q And for the freight trains?

13 A Freight trains are 50 miles per hour max.

14 Q To your knowledge and the research that
15 you've done, have there been any accidents at the
16 19th Avenue crossing in the last 5 years?

17 A No, there have not been.

18 Q What's the FRA rating of the track at this
19 particular crossing?

20 A This track would be a Class 4 track.

21 Q And do you know what the vehicle count is
22 at this particular crossing?

1 A The approximate annual daily traffic is
2 5,150 at this crossing.

3 Q And where did you get that particular
4 information?

5 A This information is via the ICC reporting
6 for DOT.

7 Q Now, I'm going to direct your attention to
8 Union Pacific Group Exhibit 1, specifically Slide 34.
9 That's a photograph. Did you take this photograph?

10 A Yes, I did.

11 Q And what is that a photograph of?

12 A The photograph of the signal cabinet at the
13 crossing displaying our information there.

14 Q Okay. And there's a DOT. Is that the DOT
15 number for this particular crossing?

16 A That is correct.

17 Q And it says, "MP". What does that stand
18 for?

19 A It's marked for milepost along the Geneva
20 Subdivision.

21 Q So it's Milepost 11.38?

22 A That is correct.

1 Q Now, I direct your attention to Slide 35.
2 What does this show?
3 A This shows us standing on the south side of
4 the tracks at the crossing looking in a westward
5 direction.
6 Q So the new track will be, essentially,
7 where this signal pole is, in the middle of this?
8 A That's, approximately, correct, yes.
9 Q Now I direct your attention to Slide 36.
10 What is this?
11 A This is us, again, standing on the south
12 side of the track at the crossing looking in an
13 eastward direction.
14 Q It looks like there's some fencing on this.
15 What is that fencing?
16 A That is pedestrian canalization fencing due
17 to the platform at the nearest crossing.
18 Q Okay. I'd like you to approach the
19 photograph, if you would, please, up on this display.
20 A (Witness complying.)
21 Q There's a black box that's sticking in the
22 air. Do you see that?

1 A Yes, I do.

2 Q Can you just point at it again.

3 A (Witness complying.)

4 Q What is that?

5 A That there is to notify pedestrian traffic

6 of the potential for multiple train traffic within

7 the crossing when the gates are activated.

8 Q And is that a television screen, I believe?

9 A I believe it's an LED display.

10 Q Okay. An LED display. So that's a

11 warning -- part of the grade crossing warning system

12 at this location?

13 A That is correct.

14 Q Will that remain?

15 A To my knowledge, correct.

16 Q Okay. Now I'm going to show you what's

17 been marked as Union Pacific Group Exhibit 1, Slide

18 37. What is that?

19 A This is us on the north side of that same

20 crossing, 19th Avenue, looking in a westward

21 direction again.

22 Q And then, finally, Slide 38?

1 A On the north side of that crossing looking
2 in an east direction towards the platform.

3 Q What is the purpose of that fencing? And
4 you can see the bicycle there. What does that do for
5 the pedestrians at the location?

6 A Again, that's canalization for the
7 pedestrians. It's meant to deter pedestrian traffic
8 from trying to get to the crossing at that location
9 for their safety from the platform.

10 Q So it forces them to the sidewalks and to
11 the actual crossings there; isn't that correct?

12 A Correct. It forces them to the sidewalks
13 and then behind the baseball field.

14 Q What's the time frame for the construction,
15 if this is approved?

16 A I would prefer to relay that to Benesch.

17 Q Okay. Then I'll ask him.

18 MR. SHUMATE: May I ask him the question?

19 JUDGE KIRKLAND-MONTAQUE: You may.

20

21

22

1 CONT'D DIRECT EXAMINATION OF
2 MR. RICHARD CONRATH
3 BY
4 MR. SHUMATE:
5 Q Mr. Conrath, what's the time frame for the
6 construction of the 19th Avenue third track and the
7 modification to the grade crossing signal?
8 A We anticipate construction would start late
9 in 2016 and to be completed late 2017 or early 2018.
10 MR. SHUMATE: I have no further questions for
11 these two witnesses, and I offer them for
12 cross-examination.
13 JUDGE KIRKLAND-MONTAQUE: Okay. Thank you.
14 Ms. McNeill, do you have any questions
15 for the witnesses?
16 MS. McNEILL: I do have one. I just want to
17 know who to direct it to.
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1 CROSS-EXAMINATION OF
2 MR. RICHARD CONRATH and
3 MR. SEAN COLLIER
4 BY
5 MS. McNEILL:
6 Q I just wanted to make sure that you'll be
7 seeking the proper permit since I understand I-DOT
8 has jurisdiction over at least one of the roadways.
9 I just wanted to confirm that you'll be seeking the
10 proper permit for that?
11 BY MR. SEAN COLLIER:
12 A I can tell you that for the ICC perspective
13 we will be submitting our standard form due to the
14 crossing changes for approval. I believe Benesch
15 could elaborate on further permitting.
16 BY MR. RICHARD CONRATH:
17 A That's correct. We have been in touch with
18 the Department. They have jurisdiction over 1st
19 Avenue, and they have jurisdiction over 5th Avenue
20 north of the crossing. And we've been coordinating
21 with them, seeking their comments on the plans.
22 We've also appeared before the Detour

1 Committee, and we will be back in front of the Detour
2 Committee once again after we receive comments on the
3 drawings.

4 Q Thank you.

5 MS. McNEILL: That's all I have, Judge. Thank
6 you.

7 JUDGE KIRKLAND-MONTAQUE: Mr. Vasselli, do you
8 have any questions?

9 MR. VASSELLI: I do.

10 CROSS-EXAMINATION OF

11 MR. RICHARD CONRATH

12 BY

13 MR. VASSELLI:

14 Q Mr. Conrad -- and this may be redundant --
15 all of the plans in Group Exhibit 1 comply with all
16 applicable State law; correct?

17 A That's correct.

18 Q And they have all been --

19 And the plans that are comprised -- or
20 are set forth in Group Exhibit 1 have been given to
21 staff at the Village of Melrose Park; correct?

22 A Yes, they have.

1 Q And discussed with them?

2 A Yes. It's an ongoing conversation; but,

3 yes.

4 Q An evolving conversation?

5 A Yes.

6 Q Okay. Great.

7 All of the plans reflect all of the

8 safety features that were highlighted in Group

9 Exhibit 1; correct?

10 A That's correct.

11 Q And you're aware of the construction on

12 25th Avenue; correct?

13 A Yes.

14 Q And there is some flexibility for your

15 construction timeline relative to the construction of

16 the overpass on 25th Avenue?

17 A We anticipate the 25th Avenue project will

18 be completed before construction starts on this

19 project.

20 Q And your construction time I would allow

21 for some give, let's say, on that relative to the

22 25th Avenue construction?

1 A Absolutely.

2 Q Because you're aware that that is a major
3 thoroughfare in the Village?

4 A Correct.

5 Q So we'd be closing off a major thoroughfare
6 in the Village?

7 A Right. Yeah --

8 Q Thank you -- oh, please, no. Go on.

9 A We anticipate construction to move from
10 east to west; so 1st Avenue, 5th, 9th, and then 19th.
11 So we anticipate that 25th will be open and in
12 service well before anything impacts Melrose Park0.

13 Q And we can schedule our planning around
14 that to make sure 25th is open?

15 A Yes.

16 Q Excellent. Thank you.

17 MR. VASSELLI: I have no further questions.

18 JUDGE KIRKLAND-MONTAQUE: Okay. Mr. Vercruysse?

19 MR. VERCRUYSSE: I will defer a number of the
20 questions until we have testimony on 1st Avenue and
21 5th.

22 But I guess following up with the

1 construction schedule for the 25th Avenue bridge,
2 does anybody have an update as far as their timing
3 and completion? Mr. Conrath, or Collier, or
4 Mr. Vasselli?

5 MR. VASSELLI: I do not. I am not sworn, but I
6 do not, for the betterment of the tribunal.

7 MR. VERCRUYSSSE: Your Honor, that's something
8 we'll follow up with for the purpose of the order to
9 make sure that the time frames are identified so it
10 has a proper time line. Thank you. Otherwise, I'll
11 defer questions until later. Thank you.

12 JUDGE KIRKLAND-MONTAQUE: Okay. Thank you.

13 And I'm sorry. Can you help me with
14 your name again?

15 MR. KARACA: Jacob Karaca.

16 JUDGE KIRKLAND-MONTAQUE: Mr. Karaca, do you
17 have any questions?

18 MR. KARACA: I don't have any questions on
19 this. I just have some statements to make at the end
20 of the proceeding about the Village's position.

21 JUDGE KIRKLAND-MONTAQUE: Okay. That's fine.

22 All right. Mr. Shumate, anything

1 further on this issue?

2 MR. SHUMATE: I am going to ask one question of
3 Mr. Collier with regard to 25th Avenue.

4 REDIRECT EXAMINATION OF

5 MR. SEAN COLLIER

6 BY

7 MR. SHUMATE:

8 Q Mr. Collier, there has been some delays on
9 the 25th Avenue project; is that correct?

10 A That's correct.

11 Q Speak up.

12 A That is correct.

13 Q Okay. And that will be a highway overpass
14 of 25th Avenue going over the railroad tracks; is
15 that correct?

16 A That is correct. It's a grade separation.

17 Q And is the bridge under construction now?

18 A Yes, it is.

19 Q Can you tell us, approximately, what state
20 of construction it's in? Does it look like a bridge
21 yet?

22 A I know at this point that the abutments

1 have been poured. I believe that they are working on
2 the decking surface. Though, that project is headed
3 by another UP position; so my involvement is little.

4 Q Let me ask this question of you:

5 Before they would close 19th Avenue to
6 do any work, would you agree that the 25th Avenue
7 bridge project would have to be completed and
8 operational?

9 A I believe that -- yes, I would agree with
10 that.

11 Q So the Railroad will commit to that, that
12 it won't land lock the town by having two crossings
13 next to each other out of service?

14 A Yes, Union Pacific can commit to that.

15 MR. SHUMATE: Okay. So we'll commit to that,
16 your Honor.

17 CROSS-EXAMINATION OF

18 MR. SEAN COLLIER

19 BY

20 MR. VASSELLI:

21 Q I just want to clarify. The Union Pacific
22 is committing that they will not land lock the town

1 in such that the 25th Avenue bridge overpass --
2 excuse me for not knowing the exact nomenclature --
3 will be completed and operational before the
4 commencement of operations, or construction, on the
5 19th Avenue improvements; is that correct?

6 A We commit that, yes, the 25th Avenue grade
7 separation will be operational prior to us closing
8 the 19th Avenue --

9 Q What do you mean "operational"?

10 A Allowing vehicular traffic.

11 Q Two-way vehicular traffic?

12 A Yes.

13 Q Okay.

14 JUDGE KIRKLAND-MONTAQUE: Are you satisfied?

15 MR. VASSELLI: Yeah, I'm satisfied.

16 MR. SHUMATE: Okay. Thank you.

17 All right. We would now like to move
18 to 1st Avenue, if we can.

19 JUDGE KIRKLAND-MONTAQUE: Okay. Go ahead.

20 MR. SHUMATE: I would like to call Richard
21 Conrath again.

22

1 RICHARD CONRATH,
2 re-called as a witness herein, having been previously
3 duly sworn, was examined further and testified
4 further as follows:

5 FURTHER DIRECT EXAMINATION

6 BY

7 MR. SHUMATE:

8 Q Mr. Conrath, we're back to Union Pacific
9 Group Exhibit 1. And now I'll show you a -- now I'm
10 going to show you Slide 3, Page 3, of this particular
11 exhibit. What is that?

12 A That shows the existing conditions and the
13 infrastructure that's proposed to be removed and
14 improved as part of this project.

15 Q And so currently at 1st Avenue there are
16 two sets of tracks at the crossing; is that correct?

17 A That is correct.

18 Q And there will be a third one. Is that
19 what is proposed?

20 A Yes, sir.

21 Q And now I'll show you Slide 4. What does
22 that show?

1 A That shows the proposed new main track,
2 which will be at 20 feet and offset to the north of
3 the existing northerly track.

4 Q Would you go up and point that out.

5 A Yes, sir, I will. (Witness complying.)

6 So the two lines in red are the
7 existing main tracks, and the green is the proposed
8 main track.

9 Q And in this particular slide what side is
10 the new track on?

11 A It will be on the north side of the
12 existing main tracks.

13 Q And when we were looking at the 19th
14 Avenue, what side was it on?

15 A That was on the south side.

16 Q So things can flip and switch as you move;
17 correct?

18 A That's correct.

19 Q Now I'm going to show you Slide 5. What is
20 that?

21 A That, again, shows -- the area in yellow
22 and green shows the proposed improvements to the

1 pavement, the roadway infrastructure, and the
2 finished pavement elevations that the roadway will be
3 paved to.

4 Q And will that comply with all Illinois
5 Commerce Commission regulations and State law?

6 A Yes, it will.

7 Q Now, I'll show you Slide 6. What does that
8 show?

9 A This shows the proposed pavement markings
10 that will be added to the completed pavement.

11 Q For purposes of the record can you show me
12 some of the -- point out some of the pavement
13 markings.

14 A Yes, sir. There's a stop bar at the
15 crossing gates, a stop bar from the intersection of
16 Main -- for eastbound traffic on Main to 1st Avenue;
17 the railroad crossing approach pavement markings; and
18 then the center median pavement markings.

19 Q Are these the typical pavement markings
20 that are required by the Manual of Uniform Traffic
21 Control Devices?

22 A Yes, they are.

1 MR. SHUMATE: Now I'd like to go to Sean
2 Collier, if I can, your Honor?

3 JUDGE KIRKLAND-MONTAQUE: You may.

4 SEAN COLLIER,
5 re-called as a witness herein, having been previously
6 duly sworn, was examined further and testified
7 further as follows:

8 FURTHER DIRECT EXAMINATION

9 BY

10 MR. SHUMATE:

11 Q Mr. Collier, I'm going to show you a series
12 of photographs here. The first one is Slide 7 of
13 Union Pacific Group Exhibit 1. Did you take this
14 photograph?

15 A Yes, I did.

16 Q What is it?

17 A That's a signal cabinet that is located at
18 the crossing of 1st Avenue.

19 Q And it shows here the DOT number; is that
20 correct?

21 A That is correct. DOT 173-996K.

22 Q And that is the DOT number for this

1 particular crossing?

2 A That is correct.

3 Q And it also shows the milepost reference;

4 right?

5 A That is correct.

6 Q Now, at the bottom there it says, "Traffic

7 Interconnected". What does that mean?

8 A For this particular crossing we do have

9 activation of our gates interconnected with the

10 signalized intersection that is near the crossing for

11 vehicular traffic.

12 Q So that means that the traffic signals are

13 also activated by the train movement; is that

14 correct?

15 A That is correct.

16 Q Now I'm going to show you Slide 8. Did you

17 take this photo?

18 A Yes, I did.

19 Q For purposes of the record, you took all of

20 the photos that we're going to show today?

21 A That is correct.

22 Q What is this?

1 A This is what's on the south side of the
2 railroad tracks of 1st Avenue looking in a westward
3 direction.

4 Q On this particular picture, on the -- let's
5 call it the north and east quadrant of the photograph
6 where the cars are coming across, what type of grade
7 crossing warning devices are there now?

8 A Existing we have our standard gate system
9 as well as a cantilever that goes over the roadway
10 for additional light.

11 Q And then on the south side it looks like
12 there's something else there. What is that?

13 A On the south side we have a pedestrian
14 gate.

15 Q Will all of these be maintained or
16 relocated as part of the new plant?

17 A Yes, they will be.

18 Q Now I'd like to show you Slide 9. What is
19 that?

20 A We are on the south side of the railroad
21 tracks looking in an eastward direction.

22 Q And you mentioned a cantilever. Is that

1 that big brick kind of thing?

2 A That is correct.

3 Q And what do you use a cantilever for?

4 A Those provide additional visibility to

5 vehicular traffic and were installed per an agreement

6 with I-DOT.

7 Q Do they have railroad flashing lights or

8 signals on top?

9 A Yes, they do.

10 Q Now I'll show you Slide 10.

11 A In this Slide we are on the north side of

12 the 1st Avenue crossing looking in a westward

13 direction.

14 Q Now, let's go over some of the particulars

15 for this particular section of track.

16 How many trains go through this

17 particular crossing?

18 A Average daily trains is 100.

19 Q And would you break that down.

20 A Of those trains 60 are daily passenger

21 trains, with 40 being freight.

22 Q And when you say, "passenger trains", can

1 you --

2 A I'm referring to Metra commuters.

3 Q Are there any Amtrak trains on this section

4 of the railroad?

5 A No, there are not.

6 Q What's the FRA classification of the track

7 at this location?

8 A This is a Class 4 track.

9 Q And when the third line -- the third main

10 line is put in, will it maintain that classification?

11 A Yes, it will.

12 Q What is the traffic count at this

13 particular location?

14 A The traffic count is 23,000.

15 Q And would you break that down between motor

16 vehicles and trucks.

17 A It's estimated 6 percent truck traffic.

18 Q Now, this particular crossing is

19 interconnected with 1st Avenue, the signals. Can you

20 elaborate on that.

21 A The traffic signals that it will be

22 connected to are going to be with the -- I believe

1 north of this crossing, 1st and Lake.

2 Q And are you aware of whether or not the
3 Illinois Commerce Commission is going to ask for some
4 additional time at this particular location?

5 A I have been made aware that the ICC will be
6 requesting additional time to be added to our
7 advanced notifications, the interconnect.

8 Q To your knowledge, will the design be
9 modified to meet the recommendations or the
10 requirements of the Staff of the Illinois Commerce
11 Commission?

12 A Yes, it will be.

13 Q I think I failed to show you one of the
14 slides. This is Slide 11. What is that?

15 A We're on the north side of the crossing
16 looking in an eastward direction.

17 Q Okay. Thank you.

18 MR. SHUMATE: I have no further question for
19 these two.

20 JUDGE KIRKLAND-MONTAQUE: Okay. Ms. McNeill,
21 do you have any questions?

22 MS. McNEILL: No, your Honor, no questions.

1 JUDGE KIRKLAND-MONTAQUE: Mr. Vasselli?

2 MR. VASSELLI: Nothing at this time.

3 JUDGE KIRKLAND-MONTAQUE: Mr. Vercruysse?

4 MR. VERCRUYSSSE: Yes, your Honor. Thank you.

5 I don't know which witness -- either
6 one, Mr. Shumate -- if I ask Mr. Collier or
7 Mr. Conrath.

8 CROSS-EXAMINATION OF

9 MR. RICHARD CONRATH

10 BY

11 MR. VERCRUYSSSE:

12 Q On Page No. 6 the new striking and signage
13 plan for 1st Avenue, with a traffic signal
14 interconnect the pavement markings should have
15 cross-hatch through the crossings.

16 Have you coordinated that with I-DOT,
17 the Illinois Department of Transportation,
18 District 1?

19 A We have not coordinated that yet.

20 Q Can you explain the coordination that has
21 taken place. I know you had mentioned going before
22 the Detour Committee. But specific to the traffic

1 signal interconnect, what coordination has taken
2 place?

3 A We have not coordinated that with them yet.
4 We submitted the 90 percent complete drawings on
5 February 3rd, I believe, and have not yet received
6 comments. They were submitted through the Permit
7 Section; and they distribute it to the different
8 departments. We have not yet received comments back
9 from the Department.

10 Q And as noted previously, ICC staff has
11 identified that additional time -- maybe 1, 2, or 3
12 seconds -- is needed for the warning device operation
13 and for the track there, green, associated with the
14 traffic signal interconnect. That will be
15 coordinated, then, further with I-DOT's Bureau of
16 Traffic?

17 A That's correct.

18 Q And then the updates will take place to the
19 traffic signal railroad interconnect reports that are
20 done throughout the state; is that correct?

21 A Yes, sir.

22 Q Great. Thank you very much.

1 A time frame for this would be sooner than
2 the others, working from east back west?

3 A That's correct. We anticipate working, as
4 I mentioned, on the roadway crossing -- working from
5 east to west. 1st Avenue will be the shortest
6 duration, and it's the heaviest traffic. So we want
7 to get that one constructed first to minimize impact.

8 MR. VERCRUYSSSE: Thank you.

9 CROSS-EXAMINATION OF

10 MR. SEAN COLLIER

11 BY

12 MR. VERCRUYSSSE:

13 Q And, Mr. Collier, in terms of the existing
14 tracks at 1st Avenue, there has been a history of the
15 crossing either settling or damage with the crossing
16 panels. Has that been repaired and reconstructed to
17 meet the current criteria for the Commerce
18 Commission?

19 A I have not been made aware of any issues in
20 my time in this position with the settling that
21 you're referring to.

22 Q At the time when the new third main line is

1 put in, will an assessment take place at the existing
2 tracks to make sure that those are addressed at the
3 same time during a closure if need be?

4 A Yes, we will address any issues at that
5 point.

6 MR. VERCRUYSSSE: Great. Thank you very much.

7 FURTHER CROSS-EXAMINATION OF

8 MR. RICHARD CONRATH

9 BY

10 MR. VERCRUYSSSE:

11 Q In terms of an approximate time frame for
12 closure of this project, would you anticipate 3
13 weeks, 4 weeks?

14 MR. COLLIER: I'll defer to Benesch.

15 MR. RICHARD CONRATH: We anticipate 4 weeks.

16 BY MR. VERCRUYSSSE:

17 Q 4 weeks?

18 A There are a number of utility structures
19 that will have to be raised and adjusted, and that's
20 done outside of our contract. So that's the primary
21 activity, actually, is adjusting the utility
22 structures.

1 Q Okay. And I know we have not gotten back
2 west to 5th Avenue just yet. But, in terms of the
3 timing, it will be 4 weeks of closure at 1st Avenue.
4 5th would remain open at that point?

5 A Yes, sir. Yes, sir. Of the 4, we'll only
6 close one crossing at a time.

7 MR. VERCRUYSSSE: Okay. Thank you very much.
8 No further questions. I appreciate it.

9 MR. KARACA: I just have a few on this 1st
10 Avenue crossing, and my questions are going to be the
11 same for all of the crossings in Maywood.

12 CROSS-EXAMINATION OF

13 MR. RICHARD CONRATH

14 BY

15 MR. KARACA:

16 Q These are not final plans that you have
17 presented here today; is that correct?

18 A That's correct.

19 Q Thank you, Mr. Conrath.

20 So it's possible that in the future
21 some of this construction will affect Village --
22 impact on Village infrastructure such as curbs,

1 gutters, drainage facilities, pedestrians, vehicle
2 access points, and travel paths; is that correct?

3 A As described in the plans, yes, sir.

4 Q So it could. And are you committing to
5 working with the Village and ICC Staff to make sure
6 that any such issues are addressed?

7 A Yes, sir.

8 MR. KARACA: Thank you.

9 JUDGE KIRKLAND-MONTAQUE: Anything further,
10 Mr. Shumate?

11 MR. SHUMATE: Yes, for Sean Collier. I forgot
12 to ask one other question.

13 REDIRECT EXAMINATION OF

14 MR. SEAN COLLIER

15 BY

16 MR. SHUMATE:

17 Q What's the accident history for the last 5
18 years at 1st Avenue?

19 A In the past 5 years there have been two FRA
20 reportable accidents at this crossing.

21 Q Can you give the details on those?

22 A The first one took place in January -- or

1 sorry -- November, November 16th, 2014, in which case
2 there was a vehicular (sic) struck by a train. In
3 this particular case the narrative provided the
4 vehicle left on roadway and crashed into a fixed
5 pedestrian automatic warning device. A train came
6 along and struck the rear of the vehicle that was
7 found in the crossing. In this case there were no
8 injuries.

9 Q And was there another accident?

10 A The second accident in the past 5 years
11 took place May 9th of 2015. The narrative for this
12 particular incident: Highway user of action stopped
13 on the crossing before the gates descended. This was
14 an abandoned vehicle. Driver's age and gender are
15 unavailable. Again, there were no injuries.

16 Q Thank you.

17 MR. SHUMATE: Now, your Honor, I would like to
18 go to the 5th Avenue crossing unless there's any
19 further questions.

20 JUDGE KIRKLAND-MONTAQUE: Okay. Please
21 proceed.

22

1 RICHARD CONRATH,
2 re-called as a witness herein, having been previously
3 duly sworn, was examined further and testified
4 further as follows:

5 FURTHER DIRECT EXAMINATION

6 BY

7 MR. SHUMATE:

8 Q Mr. Conrath, I'm showing you Slide 12 of
9 Union Pacific Group Exhibit 1. Can you tell us what
10 that is.

11 A Yes, sir. This drawing describes the
12 existing infrastructure roadway sidewalks and so on
13 that will be removed and reconstructed as part of
14 this improvement.

15 Q Relative to the 1st Avenue crossing, where
16 is the 5th Avenue crossing?

17 A 5th Avenue is located to the west of 1st
18 Avenue.

19 Q And which town is it in?

20 A This is in Maywood.

21 Q And on both sides of the crossing, north
22 and south?

1 A I believe so. We're only constructing on
2 the north side.

3 Q Is there jurisdiction with regard to this
4 particular crossing in addition to Maywood?

5 A Yes. The Illinois Department of
6 Transportation has indicated that they have
7 jurisdiction over 5th Avenue from the railroad
8 crossing to the north.

9 Q I see. Okay.

10 So now I'll direct your attention to
11 Slide No. 13 of Union Pacific Group Exhibit 1. And
12 what does that purport to show?

13 A This represents the proposed improvements
14 in the vicinity of the crossing. The rose-colored
15 improvements are for reconstruction of the roadway,
16 and the yellow indicates where we will be milling and
17 overlaying the existing street to match the existing
18 grades.

19 Q And where is the new track going to go on
20 this particular crossing?

21 A In this slide the two red lines indicate
22 the two existing main tracks. The green indicates

1 the proposed main track, which will be constructed 20
2 feet offset and parallel to the north of the existing
3 main tracks.

4 Q Now I'll show you Slide 14 of the same
5 exhibit. What does this show?

6 A This shows the detailed paving elevations
7 that we will be constructing to. And, again, all of
8 the green indicates the limits of infrastructure
9 improvements. The rose color is full reconstruction.
10 And the yellow are the overlay areas.

11 Q Now, on this particular slide, on the
12 second line on the top, would you read that.

13 A The second line, New pavement elevations?

14 Q So it should be "pavement"?

15 A Yeah, it should be "pavement".

16 MR. SHUMATE: Okay. We apologize to everyone
17 on that.

18 BY MR. SHUMATE:

19 Q And then next slide is Slide No. 15. What
20 does that one purport to show?

21 A This shows the proposed pavement markings
22 that will be added to the completed infrastructure --

1 crosswalks, stop bars, advanced railroad warning --
2 actually, I know up here we have not indicated the
3 "Do Not Stop" barriers that will be added to the
4 drawing.

5 Q And are you coordinating these traffic
6 plans with the roadway authorities that have
7 jurisdiction?

8 A Yes, we are.

9 Q And that would be with I-DOT?

10 A The Illinois Department of Transportation
11 and the Village of Maywood.

12 Q Okay. Thank you.

13 And, again, all of the modifications
14 to this crossing, they comply with all Illinois Law
15 and Illinois Commerce Commission regulations; is that
16 correct?

17 A That is correct.

18 Q And all of the signage will be in
19 accordance with the MUTCD --

20 A Yes, sir.

21 Q -- and whatever determinations are made by
22 the Illinois Department of Transportation and the

1 Illinois Commerce Commission?

2 A That's correct.

3 MR. SHUMATE: I would now like to go to

4 Mr. Collier, please.

5 JUDGE KIRKLAND-MONTAQUE: Okay.

6 SEAN COLLIER,

7 re-called as a witness herein, having been previously

8 duly sworn, was examined further and testified

9 further as follows:

10 FURTHER DIRECT EXAMINATION

11 BY

12 MR. SHUMATE:

13 Q Mr. Collier, I'm going to show you Slide

14 No. 16 from Union Pacific Group Exhibit 1. Again,

15 you took these photographs at this crossing; is that

16 correct?

17 A That is correct.

18 Q And what does this particular slide show?

19 A This shows the signal cabinet at the

20 crossing at 5th Avenue.

21 Q And this has the DOT number for this

22 crossing?

1 A That is correct.

2 Q And the milepost reference?

3 A Yes, Milepost 10.57.

4 Q All right. And this also shows the

5 language "Traffic Interconnect"; is that correct?

6 A That is correct.

7 Q And what does that mean?

8 A Once again, like 1st Avenue, this crossing

9 will be -- or is currently interconnected with the

10 existing traffic signals between 5th Avenue and --

11 Is it Lake Street?

12 MR. RICHARD CONRATH: Actually, I believe

13 St. Charles, Main, and Lake Street are all

14 interconnected.

15 MR. SEAN COLLIER: Okay.

16 BY MR. SHUMATE:

17 Q Do you concur with that?

18 A I do concur with that.

19 Q Okay. Now I'm going to show you Slide 17.

20 What does that show?

21 A On this slide we are standing on the south

22 roadway of -- south of our railroad tracks looking in

1 a westward direction.

2 Q And this shows the existing signal system
3 that is there now?

4 A That is correct. It shows the existing
5 pedestrian gate.

6 Q And I'm going to show you Slide 18. What
7 does that show?

8 A In Slide 18 we are standing on the south
9 side of the railroad tracks of 5th Avenue looking in
10 an eastward direction.

11 Q Okay. Is there a railroad station or
12 platform at this location?

13 A Yes, there is a platform.

14 Q Is that shown in this picture?

15 A Yes, it is.

16 Q Can you go up there and just point it out.

17 A (Witness complying.)

18 On this slide you can see we do have
19 the platform off to the east. Again, there is
20 canalization to reroute pedestrian foot traffic over
21 to the sidewalk and behind our gate system, which
22 does have a pedestrian gate as well as our traffic

1 warning devices.

2 Q So the canalization is, again, that black
3 fencing in the photograph?

4 A That is correct, the black fencing.

5 Q Is there one of these two trains monitors
6 up there also?

7 A Yes, there is.

8 Q Can you point that out.

9 A (Witness complying.) It's attached onto
10 the pedestrian gate.

11 Q For the purposes of the record, that's the
12 black area literally in the center of the photograph;
13 is that correct?

14 A That is correct.

15 Q Will all of these grade crossing warning
16 devices be maintained with the modifications that are
17 proposed?

18 A Yes, they will be.

19 Q Now I'm going to show you another slide,
20 which is Slide 19 of Union Pacific Group Exhibit 1.
21 What's that?

22 A On this slide we are standing on the north

1 side of the track looking in a westward direction.

2 Q And then Slide 20 of the same group, what
3 is that?

4 A We are standing on the north side of the
5 railroad tracks looking in an eastward direction of
6 5th Avenue.

7 Q To your knowledge, this entire crossing is
8 within the Village of Maywood on both sides; is that
9 correct?

10 A Yes, it is.

11 Q But the Illinois Department of
12 Transportation has jurisdiction of 5th Avenue on the
13 north side; is that correct?

14 A That is correct.

15 Q Now I'd like to ask you some particulars
16 about this particular crossing location.

17 How many trains go over this crossing
18 a day?

19 A This has 100 average daily trains with 60
20 of those consisting of Metra commuter and the
21 remaining 40 being freight.

22 Q And what's the speed grading on this

1 particular track?

2 A This is a Class 4 FRA track with 70 miles
3 per hour for the commuter and 50 miles per hour for
4 freight.

5 Q And what's the traffic -- or the density on
6 this? What's the traffic count?

7 A The AADT, average annual daily traffic, is
8 4,000, with 8 percent being trucks.

9 Q And where did you get this information?

10 A This information is from the ICC.

11 Q Do you have an accident history over the
12 last 5 years at this particular location?

13 A Over the last 5 years there have been no
14 reportable accidents at this crossing.

15 MR. SHUMATE: I'll give it over to
16 cross-examination.

17 JUDGE KIRKLAND-MONTAQUE: Okay. Ms. McNeill?

18 MS. McNEILL: No questions, your Honor.

19 JUDGE KIRKLAND-MONTAQUE: Mr. Vasselli?

20 MR. VASSELLI: Nothing at this time.

21 JUDGE KIRKLAND-MONTAQUE: Mr. Vercruysse?

22 MR. VERCRUYSSSE: Thank you, your Honor.

1 CROSS-EXAMINATION OF
2 MR. RICHARD CONRATH and
3 MR. SEAN COLLIER
4 BY
5 MR. VERCRUYSSSE:
6 Q The intersection improvements were recently
7 completed within the last 5 -- the last 2 years; is
8 that correct? This is the traffic signals, the
9 modified roadway work of 5th Avenue? It was
10 completed in the last two 2 years?
11 MR. RICHARD CONRATH: I know it's fairly
12 recent. I don't know an exact date. It's fairly
13 recent.
14 MR. SEAN COLLIER: If this was reconfigured or
15 improved, it was prior to my arrival in this
16 position.
17 BY MR. VERCRUYSSSE:
18 Q I may have defer to the Village. But it's
19 my understanding the improvements did account for the
20 third main line track coming in. Are you aware --
21 are either of you aware of that?
22 MR. RICHARD CONRATH: What do you mean by "did

1 account for"?

2 Q The traffic signals being interconnected,
3 timing it, making sure that everything was completed
4 in accordance with that.

5 MR. RICHARD CONRATH: We've coordinated with --
6 received the traffic signal plans, but I'm not a
7 traffic signal expert. I would have to defer to our
8 traffic signal people and provide a response to that.

9 Q Aside from traffic signals, different
10 utilities, or other items, are you aware that those
11 were coordinated to account for the third main line?

12 MR. RICHARD CONRATH: We believe that to be two
13 factors, yes.

14 Q Can you explain why 20-foot centers are
15 used in this location? From the existing northern
16 track to the new track it's now 20 feet. Can you
17 give an understanding of what it's that versus other
18 locations being 15?

19 MR. RICHARD CONRATH: 20 feet is the UP
20 standard for new construction.

21 Q So at this 19th -- I'm sorry to jump back
22 to those exhibits -- it shows 15 feet.

1 MR. RICHARD CONRATH: That's correct, because
2 where we tie in to the existing third main the track
3 centers are 15. So we come down to the reduced
4 center to tie in to the existing facility.

5 BY MR. VERCRUYSSSE:

6 Q The Union Pacific will be responsible upon
7 completion of the project for the pavement in between
8 the new tracks, then, even though it's at the 20-foot
9 center; is that correct, Mr. Collier?

10 MR. SEAN COLLIER: That would be correct.

11 Q The platform in coordination with Maywood,
12 can you give an understanding of what has taken place
13 relative to the platform modifications or station
14 stops during construction?

15 MR. SEAN COLLIER: At this time, I'm not aware.
16 I would defer to Benesch if they have incorporated
17 any.

18 MR. RICHARD CONRATH: We have coordinated
19 mostly with -- there's an ongoing project designed by
20 the Village for a new depot. And we worked closely
21 with their designer to ensure that, as this project
22 is constructed, service is maintained throughout.

1 Our drawings are very detailed in how the platform is
2 to be -- the existing platform is to be maintained,
3 temporary platforms that are required are
4 constructed, and pedestrian access is maintained
5 throughout the construction of the project.

6 MR. VERCRUYSSSE: Thank you very much. No
7 further questions, your Honor.

8 JUDGE KIRKLAND-MONTAQUE: Mr. Karaca?

9 MR. KARACA: I have just a few, following up on
10 that last line of questioning by Mr. Vercruysse.

11 CROSS-EXAMINATION OF

12 MR. RICHARD CONRATH

13 BY

14 MR. KARACA:

15 Q Looking at, I guess, Slide 22, do you have
16 an understanding of where the new Maywood station
17 will be in relation to this new crossing plan?

18 MR. SHUMATE: Which slide did you say?

19 MR. KARACA: 22. I think that's the east one.

20 MR. RICHARD CONRATH: Yes, sir, we do.

21 BY MR. KARACA:

22 Q And where is that, generally?

1 A It's at the bottom, if you will, on this
2 exhibit. It will be kind of off the page over here
3 (indicating).

4 Q So to the southeast?

5 A Yes.

6 Q And that's where the current platform
7 already is; is that right?

8 A Yes, it is.

9 Q And pardon me for not being an engineer.
10 But if you look at Slide 18, which is a photograph,
11 that's the photograph of the existing platform; is
12 that correct?

13 A That is correct. Yes, that's the existing
14 south platform.

15 Q And in that area, looking there, is where
16 the new train station will be located; is that
17 correct?

18 A Well, no, sir. This is the southerly
19 platform. The new depot will be over here on the
20 north.

21 Q On the north?

22 A It's on the north side.

1 Q Okay. I'm sorry. I thought I had asked
2 that because it was on the southeast. That was my
3 understanding from before.

4 But it is on the northeast?

5 A The northeast, yes.

6 Q Thank you. That clarifies things for me.

7 And the only other questions I have
8 are if any unknown changes to these plans would
9 affect any of the Village-owned sidewalks, gutters,
10 drainage, you will work with the Village and the ICC
11 to make sure that those issues are taken care of?

12 A Yes, sir, we will.

13 Q Thank you.

14 JUDGE KIRKLAND-MONTAQUE: Anything further,
15 Mr. Shumate, on this particular crossing?

16 MR. SHUMATE: No, that's all on 5th Avenue.
17 Now we'd like to go to 9th Avenue, if we can, the
18 final crossing.

19 JUDGE KIRKLAND-MONTAQUE: All right. 9th
20 Avenue.

21 MR. SHUMATE: Your Honor, I'd like to call
22 Mr. Conrath again.

1 RICHARD CONRATH,
2 re-called as a witness herein, having been previously
3 duly sworn, was examined further and testified
4 further as follows:

5 FURTHER DIRECT EXAMINATION

6 BY

7 MR. SHUMATE:

8 Q Mr. Conrath, I'm showing you now what is
9 marked as Slide 21 from Union Pacific Group
10 Exhibit 1. Would you elaborate on that, please.

11 A Yes, sir. Once again, this is our -- this
12 drawing shows the existing facility infrastructure.
13 And the infrastructure will be removed and
14 modified -- reconstructed as part of this project.

15 Q And your firm proposed this; correct?

16 A Yes, sir.

17 Q I'll show you Slide 22. What does that
18 purport to show?

19 A This drawing shows the existing main track
20 in red and shows what we'll be constructing, a new
21 main track 20 feet offset in a northerly direction.
22 And then the rose-colored area is the pavement and

1 street infrastructure that will be completely
2 reconstructed; and the yellow areas are these areas
3 that will be milled and overlaid to tie the new
4 construction into the existing construction.

5 Q I'll show you Slide 23 of Union Pacific
6 Group Exhibit 1. What does that show?

7 A This shows, again, in more detail the area
8 that will be completely reconstructed and the final
9 pavement elevations that will be -- that the street
10 will be paved to, the final elevations.

11 Q When the final elevations are completed,
12 will this particular crossing comply with all
13 approach laws and regulations of the State of
14 Illinois and the Illinois Commerce Commission?

15 A Yes, it will.

16 Q Now I'll show you Slide 24 of Union Pacific
17 Group Exhibit 1. What does that show?

18 A This shows the proposed pavement markings
19 and signage that will be constructed as part of the
20 overall improvement; so stop bars, medians,
21 crosswalks.

22 MR. SHUMATE: Now I'd like to switch to

1 Mr. Collier, please.

2 JUDGE KIRKLAND-MONTAQUE: Okay.

3 SEAN COLLIER,

4 re-called as a witness herein, having been previously

5 duly sworn, was examined further and testified

6 further as follows:

7 FURTHER DIRECT EXAMINATION

8 BY

9 MR. SHUMATE:

10 Q Mr. Collier, I'm showing you Slide 25 of

11 Union Pacific Group Exhibit 1. Are you familiar with

12 this?

13 A Yes, I am.

14 Q And you took these photographs, again?

15 A Yes, I did.

16 Q What does this show?

17 A This is the signal cabinet located at the

18 9th Avenue crossing.

19 Q To your knowledge, is this an

20 interconnected crossing with a traffic warning

21 device?

22 A No, it is not.

1 Q And this is at which milepost?

2 A Milepost 10.76 on the Geneva Subdivision.

3 Q Now I'll show you Slide 26. What does that

4 show?

5 A This is a standing stop at the railroad

6 tracks at 9th Avenue looking in a westward direction.

7 Q I'd like you to approach this photograph

8 just for a minute. For clarification, there are some

9 signs there that are -- they have red lights on them.

10 A Yes. The red lights that are displayed in

11 this photograph are not for vehicular traffic.

12 They're actually for our train traffic and our train

13 signal.

14 Q So that's a totally different signal system

15 than what we're talking about here today for the

16 grade crossing warning device?

17 A That is correct.

18 Q And that's the signal system that the

19 railroad relies upon for its train activity?

20 A That is correct.

21 Q So at this particular crossing, in addition

22 to the grade crossing warning devices, there are also

1 at this location railroad signals; would that be
2 correct?

3 A That is correct.

4 Q I'm going to show you Slide 27. What does
5 that show?

6 A This is us standing on the south side of
7 the railroad tracks looking in an eastward direction.

8 Q And what type of signal systems are there
9 now?

10 A Here we have, again, pedestrian gates which
11 act as a warning device, as well as vehicular traffic
12 warning gates, and an additional cantilever there.

13 Q An additional what?

14 A Cantilever for traffic.

15 Q Thank you. And now I'll show you Slide 28.
16 What does that show?

17 A This is us standing on the north side of
18 the railroad crossing of 5th Avenue looking in a
19 westward direction.

20 Q And then the last slide for 9th Avenue...?

21 A On this slide we are on the north side of
22 the railroad track, 9th Avenue, looking in an

1 eastward direction.

2 Q So that's Slide 29 of Union Pacific Group
3 Exhibit 1; is this correct?

4 A That is correct.

5 Q Now, let me ask some particulars on this
6 particular crossing.

7 How many trains go through this
8 crossing on a daily basis?

9 A Average number of daily trains is going to
10 be 90 at this crossing with 60 of those being Metra
11 commuter and the remaining being freight.

12 Q And then what is the speed grading of this
13 particular track after it's completed?

14 A This track is, again, a Class 4 FRA with 70
15 miles per hour for commuter and 50 miles per hour for
16 freight.

17 Q Do you know what the average daily traffic
18 count is at this particular crossing?

19 A The average annual daily traffic is 8,200
20 at this crossing.

21 Q What percentage of it is trucks?

22 A Of those 2 percent are trucks.

1 Q And where did you get the information?

2 A This information is from the ICC database.

3 Q And what is the accident history at this

4 crossing in the last 5 years?

5 A In the last 5 years there's no accident

6 history.

7 MR. SHUMATE: I have no further questions for

8 Mr. Collier or Mr. Conrath on this particular

9 crossing.

10 JUDGE KIRKLAND-MONTAQUE: Ms. McNeill?

11 MS. MCNEILL: No questions, your Honor.

12 JUDGE KIRKLAND-MONTAQUE: Mr. Vercruysse?

13 MR. VERCRUYSSSE: No questions, your Honor.

14 CROSS-EXAMINATION OF

15 MR. RICHARD CONRATH

16 BY

17 MR. KARACA:

18 Q Just the same question I had before. If

19 the construction or plans change, to the extent they

20 impact Village curbs, gutters, sidewalks, drainage,

21 et cetera, you will approach the Village and work it

22 out with ICC Staff as well?

1 A Yes, sir.

2 MR. SHUMATE: As I always do, your Honor, for
3 both -- Mr. Richard Conrath, I'll ask you this
4 question first.

5 REDIRECT EXAMINATION OF

6 MR. RICHARD CONRATH

7 BY

8 MR. SHUMATE:

9 Q Is there anything that I failed to ask you
10 that you feel should be brought to the hearing
11 officer's attention at this time with regard to the
12 proposed project?

13 A No, sir.

14 REDIRECT EXAMINATION OF

15 MR. SEAN COLLIER

16 BY

17 MR. SHUMATE:

18 Q And, Sean Collier, I ask you the same
19 question. Is there anything that I failed to ask you
20 that you believe should be brought to the hearing
21 officer's attention with regard to this crossing -- I
22 mean, this project?

1 petitions?

2 MS. McNEILL: Sure, your Honor. I-DOT does not
3 object to the project.

4 JUDGE KIRKLAND-MONTAQUE: Okay. The Village
5 of --

6 MR. VASSELLI: Melrose Park.

7 JUDGE KIRKLAND-MONTAQUE: -- Melrose Park?

8 MR. VASSELLI: Melrose Park does not object,
9 with the understanding that --

10 My concern is for the 25,000 residents
11 in Melrose Park, the two hospitals, the commercial
12 corridors, and the industrial corridors. We just
13 want to make sure that the timing of the relative
14 constructions of 19th Avenue and our overpass, which
15 is a part of the UP, or the Union Pacific Railroad --
16 maybe not this division, but under the umbrella -- is
17 done in a way so as to not land lock the western
18 portion of the Village.

19 So we do not object, but we would like
20 to ensure that that timing is coordinated even
21 through an order through this office such that we do
22 not land lock the westerly portion of a 25,000 person

1 village. Thank you.

2 JUDGE KIRKLAND-MONTAQUE: All right.

3 Mr. Vercruysse, Staff's position?

4 MR. VERCRUYSSSE: Thank you, your Honor. Staff
5 does not object to the Union Pacific's petitions.
6 Staff does require that the warning device plan and
7 modifications be submitted under a Form 3 so that we
8 can review all of the detailed circuitry, warning
9 device layout plans, and anything else associated
10 with remote monitoring and other conditions for the
11 third main line.

12 The docket for 25th Avenue with the
13 bridge overpass with the Commission is Docket
14 T13-0051. And Staff has looked up the latest Staff
15 report that was filed by the West Cook Railroad
16 Relocation and Development Authority. It was filed
17 on January 28th, 2016. And at that point the status
18 identified that the bridge is on target to be
19 complete by December 31st, 2016.

20 So Staff can work with the parties
21 towards an order that would highlight that date and
22 the concerns that have been identified today, and we

1 can also identify some of the continuing coordination
2 necessary for the traffic signal interconnects that
3 are present along the corridor as well as accounting
4 for pavement marking modifications and going to final
5 plan. Thank you.

6 JUDGE KIRKLAND-MONTAQUE: Okay. Thank you.
7 And the Village of Maywood?

8 MR. KARACA: The Village of Maywood, likewise,
9 has no objection to the Union Pacific's petition here
10 as proposed for the intersections.

11 However, the Village would like to
12 reserve its right to object or comment on any
13 modifications to the design of the proposed Union
14 Pacific at-grade intersection improvements for the
15 intersections involved that are offered by the ICC
16 Staff, the Union Pacific Railroad, or any other party
17 of this ICC proceeding during the proceeding or
18 offered during the final design plan and construction
19 plan or even approval process.

20 The Village also reserves its right to
21 object or comment on any ancillary impact, including
22 the alteration or modification to any existing

1 proposed Village infrastructure -- curbs, gutters,
2 drainage facilities, et cetera, and pedestrian and
3 vehicular access points and travel paths -- streets,
4 sidewalks, driveways, points of ingress and egress --
5 that are adjacent to or in close proximity to the
6 project that are not shown on Union Pacific
7 Railroad's plan at this time.

8 JUDGE KIRKLAND-MONTAQUE: All right. I'm going
9 to mark the record heard and taken. And I am going
10 to ask you to provide a draft of an agreed order --
11 everyone's in agreement -- and circulate that; at
12 which time I will use it to draft an order for the
13 bench. I mean, obviously, I would need a Word copy.
14 I would need a Word version of any draft of the
15 agreed order.

16 All right. I think that's it for
17 today. Thank you very much.

18 HEARD AND TAKEN.

19

20

21

22